

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11248 of 2022

Arising Out of PS. Case No.-412 Year-2017 Thana- LAKHISARAI District- Lakhisarai

Miritunjay Kumar @ Mirtunjay Kumar S/O Hira Mahto R/O Village-
Manoharpur, P.S.- Birpur, P.O.- Saday Bigha, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Ravish

For the Opposite Party/s : Mr. Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 366-A/120B of the Indian
Penal Code, Section 8 of the POCSO Act and Section 3(x) of
the SC/ST Act.

Earlier, prayer for bail of the petitioner was rejected
vide order dated 06.04.2021 in Cr. APP (SJ) No. 1417 of 2021.

In pursuance to the order dated 30.03.2022, status
report of trial in connection with Lakhisarai (Kawaiya) P.S.
Case No. 412 of 2017 has been received and kept at Flag-R, in
which it is reported that at present court is vacant since
20.09.2021 due to transfer of Presiding Officer. and next date is
fixed on 23.04.2022 for appearance.

It is submitted by learned counsel for the



petitioner that petitioner is innocent and has been falsely implicated in this case. He submits that the statements of victim under Section 161 of Cr.P.C. as well as under Section 164 of Cr.P.C. does not implicate this petitioner. He submits that the victim girl is a major as per Medical Board's opinion as her age was found to be 18-19 years. He also submits that this is not a case of abduction whereas daughter of the informant fled away with the petitioner with her own sweet will. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application and he is languishing in judicial custody since 08.09.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts that there is no chance to conclude the trial near future, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Lakhisarai (Kawaiya) P.S. Case No. 412 of 2017, subject to the conditions:

(I) that one of the bailors will be a close relative of the



petitioner, who will give an affidavit giving genealogy as to who he is related with the petitioner. He will also undertake to inform the court if there is any change in the address of the petitioner.

(II) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bonds shall be liable to be cancelled.

(III) that the petitioner will mark his attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(Anjani Kumar Sharan, J)

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